

Message

From: Joyce W.Y. Tam-Sugiyama [jtam@carlsmith.com]
Sent: 7/18/2018 2:47:10 AM
To: Wells, Kimberly [wells.kimberly@epa.gov]; Shareem, Jelani [Shareem.Jelani@epa.gov]; Lieben, Ivan [Lieben.Ivan@epa.gov]
CC: Ian L. Sandison [isandison@carlsmith.com]; Sheryl Nicholson (shnichol@ksbe.edu) [shnichol@ksbe.edu]; Nicole Altman (nialtman@ksbe.edu) [nialtman@ksbe.edu]
Subject: RE: KS LCC: Revised Draft CA/FO
Attachments: ATT00001.txt; KS Draft Consent Agreement with Proposed Audit(20180717).docx; REDLINE KS Draft Consent Agreement with Proposed Audit (20180717) against EPA draft.pdf

Hi all,

Attached is a clean version and a redline version of the draft CA/FO for your review, with the usual caveat that the attached documents are subject to review and approval by KS management. We look forward to speaking with you tomorrow.

Thanks,
Joyce

From: Wells, Kimberly [mailto:wells.kimberly@epa.gov]
Sent: Tuesday, July 03, 2018 11:48 AM
To: Joyce W.Y. Tam-Sugiyama; Shareem, Jelani; Lieben, Ivan
Cc: Ian L. Sandison; Sheryl Nicholson (shnichol@ksbe.edu); Nicole Altman (nialtman@ksbe.edu)
Subject: RE: KS LCC: Revised Draft CA/FO

Ian and All,

Attached is an updated version of the CA/FO. The draft is unpolished – I will work on formatting line numbers, updating paragraph references, and proofreading in the next draft. First I want to make sure we are in agreement on the substance of the CA/FO and audit.

As we discussed the changes include:

1. Including all properties owned *and leased* by KS. KS is confirming that “at least 3,000” is an accurate description of the number of properties. Please also confirm that the properties are confined to Oahu, Kauai, Maui, Molokai, and Big Island and that there are no properties on any of the other islands.
2. We also added specificity to the “sufficient documentation” paragraphs. We consulted our drinking water engineers and management and they reiterated that relying on sewer lateral maps is insufficient to show a sewer connection. Where confirmation of a connection from the county or sewer operator is unavailable the Land Asset Managers will need to obtain current sewer bills to document the connection.
3. Explicitly stating that other owners/operators have liability under the SDWA and this CA/FO does not change their rights, obligations, or liabilities. (Note that following the Audit we will have a CA/FO assessing penalties. We can consider offering additional parties the opportunity sign on to that CA/FO to resolve their liability. Their penalty liability will depend on a number of factors, including participation in the Audit. We will not be able to address their penalty liability in this CA/FO since the facts are not yet known and since they are not parties to this CA/FO.)
4. Eliminating the Efficacy Report and compressing the timelines for completion.
5. Adding a *force majeure* provision that allows extension of deadlines.

Please review the attached draft. We would appreciate it if you could provide your comments by July 13. Thank you and enjoy your holiday.

Kimberly Wells
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From: Joyce W.Y. Tam-Sugiyama [<mailto:jtam@carlsmith.com>]
Sent: Tuesday, June 12, 2018 2:51 PM
To: Wells, Kimberly <wells.kimberly@epa.gov>; Shareem, Jelani <Shareem.Jelani@epa.gov>; Lieben, Ivan <Lieben.Ivan@epa.gov>
Cc: Ian L. Sandison <isandison@carlsmith.com>; Sheryl Nicholson (shnichol@ksbe.edu) <shnichol@ksbe.edu>; Nicole Altman (nialtman@ksbe.edu) <nialtman@ksbe.edu>
Subject: KS LCC: Revised Draft CA/FO

All,

Attached is a clean copy and a redline version of the CA/FO with KS' proposed edits. Please note that the draft remains subject to review and approval by KS management.

Please let us know if you have any questions.

Thank you,
Joyce

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